

**To:** Opalski, Dan[Opalski.Dan@epa.gov]; Croxton, Dave[Croxton.David@epa.gov]  
**From:** Owens, Kim  
**Sent:** Sat 8/24/2013 12:30:55 AM  
**Subject:** RE: RE: meeting on the Pend Oreille TMDL (call in #:

Ex. 6 - Personal Privacy

I'm inclined to agree with Kelly. My concern is that Zach was the Kalispel's attorney on these very issues until October 2012. Just to ensure against lawyerly paranoia, however, I'm checking with Jim Curtin to see if he shares the concern. Even if Jim is comfortable, our position won't likely allay the State's concerns. I agree that the State's discomfort alone may affect the dynamic in unproductive ways.

I revisited Zach's message from September – he said that he'd taken an "in-house position" with the Tribe. That could mean anything. I interpreted it at the time (apparently incorrectly) to mean in-house counsel.

**From:** Opalski, Dan  
**Sent:** Friday, August 23, 2013 4:34 PM  
**To:** Croxton, Dave; Owens, Kim  
**Subject:** Re: RE: meeting on the Pend Oreille TMDL (call in #:

Ex. 6 - Personal Privacy

Sorry, read the messages in the wrong order.

Unfortunately, and I know this could add fuel to the fire, I think we need to convey back to Deane the state's discomfort and perception that Zach's participation would alter the dynamic and differ from what they agreed to be part of. You may want to let Deane know that we were in a somewhat similar situation with HQ, but made a point of eliminating any confusion/uncertainty by requiring a different participant.

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**From:** Croxton, Dave  
**Sent:** Friday, August 23, 2013 3:11:48 PM  
**To:** Owens, Kim; Opalski, Dan  
**Subject:** FW: RE: meeting on the Pend Oreille TMDL (call in #:

Ex. 6 - Personal Privacy

See email exchange between Deane and me below. Dan, let me know how you would like me to proceed.

Zach has served as the Kalsipel's attorney on this TMDL and told Kim that he was being hired by the Kalsipel as in-house counsel. While not wanting to escalate emotions leading up to the meeting, I think that Zach's inclusion will stifle a free exchange of opinions and Kim is of the firm opinion that if Zach is at the meeting, EPA should have counsel there.

**From:** Deane Osterman [<mailto:dosterman@kalsipeltribe.com>]

**Sent:** Friday, August 23, 2013 2:51 PM

**To:** Croxton, Dave

**Cc:** [ksus461@ecy.wa.gov](mailto:ksus461@ecy.wa.gov)

**Subject:** RE: RE: meeting on the Pend Oreille TMDL (call in #:

Ex. 6 - Personal Privacy

Dave,

Sorry to not have gotten back to you sooner but have been out of internet availability for a couple of day. Zach is employed by the Kalsipel Tribe as a Senior Policy Analyst.

Are the details/logistics for the meeting still the same as earlier? Please let me know if they have.

We look forward to finally meeting on this issue.

Regards,

Deane Osterman, Executive Director

[dosterman@knrd.org](mailto:dosterman@knrd.org)

[www.knrd.org](http://www.knrd.org)

v 509.447-7282

c 509.993.0879



KNRDLogo

**From:** Croxton, Dave [<mailto:Croxton.David@epa.gov>]

**Sent:** Friday, August 23, 2013 11:31 AM

**To:** Deane Osterman

**Cc:** [ksus461@ecy.wa.gov](mailto:ksus461@ecy.wa.gov)

**Subject:** RE: RE: meeting on the Pend Oreille TMDL (call in #; Ex. 6 - Personal Privacy)

Hi Deane, I left you a voicemail regarding participant decisions for our meeting on Wednesday. With Zach's anticipated participation we are planning to have legal representation at Wednesday's meeting, but we prefer to not have attorneys included if possible. Let me know your perspective so we can plan appropriately. Thanks

Dave

**From:** Deane Osterman [<mailto:dosterman@kalispeltribe.com>]

**Sent:** Tuesday, August 20, 2013 12:47 PM

**To:** Opalski, Dan; Croxton, Dave; [ksus461@ecy.wa.gov](mailto:ksus461@ecy.wa.gov); [jbel461@ecy.wa.gov](mailto:jbel461@ecy.wa.gov); [mgil461@ECY.WA.GOV](mailto:mgil461@ECY.WA.GOV); Goodin, John; Keating, Jim; Curtin, James; [hbre461@ECY.WA.GOV](mailto:hbre461@ECY.WA.GOV)

**Cc:** Furtak, Sarah

**Subject:** RE: RE: meeting on the Pend Oreille TMDL (call in #; Ex. 6 - Personal Privacy)

All,

Having not seen an agenda for our meeting coming up I thought we might take a stab.  
Let me know what you all think.

Regards,

Deane Osterman, Executive Director

[dosterman@knrd.org](mailto:dosterman@knrd.org)

[www.knrd.org](http://www.knrd.org)

v 509.447-7282

c 509.993.0879

**From:** Patheal-Centenera, Bella [<mailto:Patheal-Centenera.Bella@epa.gov>] **On Behalf Of** Opalski, Dan

**Sent:** Tuesday, August 13, 2013 12:13 PM

**To:** Opalski, Dan; Croxton, Dave; Deane Osterman; [ksus461@ecy.wa.gov](mailto:ksus461@ecy.wa.gov); [jbel461@ecy.wa.gov](mailto:jbel461@ecy.wa.gov); [mgil461@ECY.WA.GOV](mailto:mgil461@ECY.WA.GOV); Goodin, John; Keating, Jim; Curtin, James; [hbre461@ECY.WA.GOV](mailto:hbre461@ECY.WA.GOV)

**Cc:** Furtak, Sarah

**Subject:** RE: RE: meeting on the Pend Oreille TMDL (call in #. Ex. 6 - Personal Privacy)

**Importance:** High

This message is an update to confirm that the meeting is still schedule for August 28<sup>th</sup>, from 10:30-3:30pm.

Thank you.

Bella Patheal-Centenera

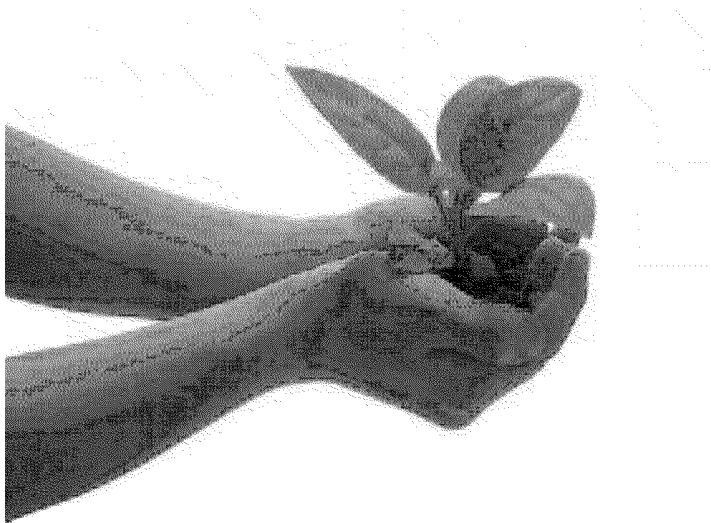
Office of Water & Watershed

(206) 553-1256

Fax: (206) 553-0165

1200 6th Avenue, Mailstop OWW-135

Seattle, WA 98101



7270

cid:image002.jpg@01CEA024.D83C

-----Original Appointment-----

**From:** Patheal-Centenera, Bella **On Behalf Of** Opalski, Dan

**Sent:** Thursday, July 18, 2013 9:49 AM

**To:** Opalski, Dan; Croxton, Dave; Patheal-Centenera, Bella;  
[dosterman@kalispeltribe.com](mailto:dosterman@kalispeltribe.com); [ksus461@ecy.wa.gov](mailto:ksus461@ecy.wa.gov); [jbel461@ecy.wa.gov](mailto:jbel461@ecy.wa.gov);  
[mgil461@ECY.WA.GOV](mailto:mgil461@ECY.WA.GOV); Goodin, John; Keating, Jim; Curtin, James;  
[hbre461@ECY.WA.GOV](mailto:hbre461@ECY.WA.GOV)

**Cc:** Furtak, Sarah

**Subject:** RE: meeting on the Pend Oreille TMDL (call in # **Ex. 6 - Personal Privacy**)

**When:** Wednesday, August 28, 2013 10:30 AM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** R10Sea-Room-12B-VTC-Expand/R10-Rooms-Service-Center; R10Sea-Room-

15U/R10-Rooms-Service-Center  
**Importance:** High

Tentative block (for 10:30am-1pm or 1-3:30pm) – waiting with one key individual currently on vacation about whether this date is possible. To confirm/cancel this date by this time next week.

<< Message: RE: meeting on the Pend Oreille TMDL--cancel 8/22 reserve + new reserve >>